HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.14631 OF 2007

Between:
P. Madhusudhan Reddy

…Petitioner

AND

Greater Municipal Corporation of Hyderabad,
Rep., by its Special Officer, Hyderabad
and five others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri P. Venugopal
Counsel for respondent No.1 : Smt. Kalpana Ekbote

July 12, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayer:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue any appropriate Writ, Order or direction preferably a Writ in the nature of Writ of Mandamus, declaring the inaction of the 1st respondent in not taking steps to demolish the illegal constructions carried out by the respondents 3 and 4 on plot bearing No.69/B House No.
> 8-2-293/3/82/BE/69-B, admeasuring 600 sq. yards situated at Road No.71, Jubilee Hills and also by not taking any action to remove the encroachment made by the said respondents as being illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the 1st respondent to forthwith demolish the illegal constructions made by the 3rd and 4th respondents made on plot bearing No. 69/B House No. 8-2-293/3/82/BE/69-B, admeasuring 600 sq. yards situated in Road No. 71, Jubilee Hills, Hyderabad by removing the encroachment made by the respondents 3 to 6 and to pass such other order or orders as may deem fit and proper in the circumstances of the case.
>
> It is further prayed that this Hon'ble Court may be pleased to direct the 1st respondent to forthwith demolish the illegal constructions made on plot bearing No. 69/B House No. 8-2-293/82/BE/69-B, admeasuring 600 sq. yards situated at Road No. 71, Jubilee Hills, Hyderabad by removing the encroachment made by the respondents 3 to 6, pending disposal of the above writ petition and pass such other order or orders as may deem fit and proper in the circumstances of the case."

On 10-7-2007, Smt. Kalpana Ekbote, learned counsel appearing for Greater Hyderabad Municipal Corporation (for short, 'the Corporation') sought time to seek instructions.

Today, Smt. Ekbote made a statement that after having come to know of dismissal of the suit filed by respondent Nos. 3 to 6, the competent authority of the Corporation has issued notice under Section 636 of the Hyderabad Municipal Corporation Act, 1955 (for short, 'the Act').

Shri P. Venugopal says that he does not have any reason to doubt the statement of the learned counsel.

In view of the above development, the writ petition is disposed of as infructuous.

We hope and trust that the competent authority of the Corporation will, without fail pursue the proceedings initiated under

Section 636 of the Act and ensure that the grievance of the petitioner is remedied at the earliest.

If respondent Nos. 3 to 6 institute further litigation in the matter, then it will be open to the petitioner to make appropriate application for his impleadment as party to the said proceedings.

As a sequel to disposal of the writ petition as infructuous, WPMP No. 18393 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 12, 2007

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